

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARLOS CARTAGENA,
Plaintiff,

-v-

RYDER TRUCK RENTAL, INC. *et al.*,
Defendants.

23-CV-4169 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

This case was removed from New York Supreme Court, Bronx County, on May 19, 2023. Counsel for the Plaintiff is directed to file an appearance with this Court no later than June 15, 2023.

Counsel for the Defendant shall serve a copy of this order on counsel for the Plaintiff by June 2, 2023.

Additionally, Defendant invokes this Court's diversity jurisdiction pursuant to 28 U.S.C. § 1332. However, the Notice of Removal does not adequately demonstrate the Court's subject matter jurisdiction because it does not allege the citizenship of each of the members of the LLC defendants. The principal place of business and state of registration of a limited liability company are not relevant to the question of diversity of citizenship under § 1332. Rather, for purposes of diversity jurisdiction, an LLC has the citizenship of each of its members. *See ICON MW, LLC v. Hofmeister*, 950 F. Supp. 2d 544, 546 (S.D.N.Y. 2013) (citing *Bayerische Landesbank v. Aladdin Capital Mgmt. LLC*, 692 F.3d 42, 49 (2d Cir. 2012)). Thus, in order to invoke this Court's diversity jurisdiction, Defendant must allege that the citizenship of each member of the LLC defendants was diverse from Plaintiff at the date of this action's filing.

Therefore, Defendant shall, on or before June 2, 2023, either (1) show cause as to why its complaint should not be dismissed for lack of subject matter jurisdiction, or (2) move to file an amended complaint that properly pleads jurisdiction. If Defendant fails to do so, this action may be dismissed.

SO ORDERED.

Dated: May 22, 2023
New York, New York



J. PAUL OETKEN
United States District Judge